 <b>Missouri Department of Natural Resources Administrative Policies and Procedures</b>		
<b>Chapter 3 Work Environment</b>		
<b>Alcohol, Smoke and Drug-Free Workplace Policy</b>	<b>Effective date</b>	<b>Revised</b>
<b>Number: 3.07</b>	<b>April 9, 2003</b>	<b>June 1, 2006</b>

The department strives to provide a safe and healthy environment for our employees and customers. To do this, all department-leased, owned or operated facilities and vehicles used by department employees are designated smoke, alcohol and drug free.

## REFERENCES

Omnibus Transportation Employee Testing Act of 1991

Department of Transportation and Federal Highway Administration drug and alcohol testing requirements [www.dot.gov](http://www.dot.gov)

Drug-Free Workplace Act of 1988

*Revised Statutes of Missouri:*

Schedules I through V, Chapter 195, Drug Regulations (as revised)

Chapter 191 Section 191.771 Person in control of public places or public meetings, duties.

Chapter 191 Section 191.767 Persons not to smoke in public places or meetings, except in designated smoking areas--designation of space for smoking area, requirements.

*Code of State Regulations:*

Personnel Advisory Board

Separation, Suspension, Demotion: 1 CSR 20-3.070

*Related DNR Policies:*

Grievance Procedure 1.02-05

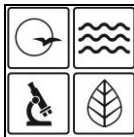
Employee Assistance Program 1.02-08

Progressive Discipline 1.08

## DEFINITIONS

*Alcohol use:* Consumption of any beverage, mixture or preparation containing alcohol.

*Controlled substance:* A drug, substance or immediate precursor listed in Schedules I through V, as set forth in Chapter 195, RSMo (1986).



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*Safety-sensitive functions (This definition applies to the terms and conditions of the Omnibus Transportation Employee Testing Act):* Operating a motor vehicle that: weighs more than 26,001 pounds; is used to transport 16 or more passengers (including the driver), or is used to transport hazardous materials which is required to be placarded.

*Workplace:* Any department-leased, owned or operated facilities and vehicles or equipment used by department employees or other places employees are located in the conduct of official business.

*Wrongful:* Alcohol or drug use without competent authorization or permission; without a prescription issued by a competent medical authority; or contrary to the provisions of Chapter 195, RSMO (1986).

**GENERAL PROVISIONS**

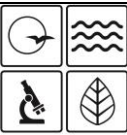
**Smoke-free workplace**

Smoking is prohibited in all department leased, owned or operated facilities and vehicles used by DNR employees including, but not limited to:

- Offices, including private offices and cubicles
- Auditoriums, classrooms, libraries, or conference rooms
- Common areas including elevators, stairwells, lobbies, waiting rooms, copier rooms, mail rooms, reception areas, employee lounges, cafeterias, breakrooms, corridors, and restrooms
- Hazardous areas, including any location where there are flammable liquids, gases, vapors, and in locations where readily ignitable, combustible materials are collected
- State park and historic site offices, district offices, maintenance buildings, and visitor centers.
- Areas used to enter a building.

Exceptions to this policy are the following:

- Outdoors, except where specifically prohibited
- State owned residences
- Enclosed buildings or rooms when rented to the public for social functions upon approval by the facility head
- Designated smoking areas in dining lodges, restaurants, motel rooms, cabins and office buildings
- Areas which are shared with or occupied by a private business unless smoking is prohibited

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### **Alcohol and drug free workplace**

Being impaired by alcohol or controlled substances in the workplace is prohibited. This includes the wrongful or unlawful possession, manufacture, distribution, dispensing, or use of any alcoholic beverage or controlled substance by any employee of the department during the conduct of official business, in state-owned or leased facilities or property, or in the operation of state-owned or leased vehicles and equipment.

At social events for which staff are required to attend as representing the department and at which alcohol is served, staff will not be impaired by alcohol.

An employee is responsible for telling his/her immediate supervisor he/she is taking prescribed medication that may impair work performance. The supervisor will take appropriate action to ensure the employee's safety.

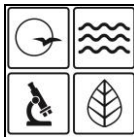
Employees with declining job performance related to alcohol or drug abuse may be required to participate in the Employee Assistance Program.

Any employee determined to be in violation of this policy is subject to disciplinary action, including dismissal, in accordance with Progressive Discipline policy, the state regulations on Separation, Suspension, and Demotion, 1 CSR 20-3.070, and, in certain circumstances, may be subject to prosecution under state or federal law.

Any employee convicted of a violation of any criminal drug statute or violation of law attributed to the abuse or misuse of alcoholic beverages, based upon an incident occurring during the conduct of official business, on state-owned or leased facilities or property, or during the operation of state-owned or leased vehicles or equipment, must notify his/her supervisor not later than five (5) days after such conviction. Such a conviction could result in disciplinary action up to and including dismissal.

An employee must immediately report to his/her supervisor any revocation of his/her driver's license if the employee either drives a state-owned or leased vehicle, operates state heavy equipment, or is reimbursed mileage for the use of a personal vehicle to conduct official business.

The Human Resources Program will report to a funding federal agency any violation of a criminal drug statute that occurs at the workplace and results in the conviction of an employee assigned under a federal grant within ten (10) days of notification of the conviction.



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**Drug and alcohol testing for staff**

The Omnibus Transportation Employee Testing Act of 1991 covers drug and alcohol testing rules for staff required to have a commercial driver's license (CDL). The department will adhere to all requirements of this law.

Refusal to submit to testing is prohibited and is a violation of the Act. The consequences for a refusal are the same as if the person had submitted to testing and received a positive result. Under these circumstances the employee must be removed from performance of any safety-sensitive function until such time as the driver submits to testing and the results are negative for alcohol or controlled substances.

A driver must be removed from safety-sensitive functions when the driver has a positive drug or alcohol test result.

Environmental emergency responders and State Park Rangers are required to be tested for presence of drugs and alcohol. Other positions may also be required to submit to testing based on aspects of the position's responsibilities related to safety and access to alcohol, drugs or precursors.

**For help with a drug or alcohol problem**

The Employee Assistance Program has resources to help an employee deal with drug or alcohol problems. Contact the Employee Relations Office for assistance.